

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RODNEY DWAYNE PRESLEY

§

Petitioner,

§

VS.

§ CIVIL ACTION NO. 3-05-CV-2533-D
§ (Fifth Circuit No. 06-10975)

NATHANIEL QUARTERMAN, Director
Texas Department of Criminal Justice,
Correctional Institutions Division

§

Respondent.

§

ORDER

After conducting a review of the pleadings, files, and records in this case, and the findings and recommendation of the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b)(1), I am of the opinion that the findings and recommendation of the magistrate judge are correct, and they are hereby adopted as the findings of the court.

Accordingly, the court finds that petitioner deposited his notice of appeal in the prison mail system on September 5, 2006. This case is hereby returned to the court of appeals for further proceedings.

SO ORDERED.

January 25, 2007.



SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE